

What is the First Offender Program?

The First Offender Program is designed for first time, non-violent felony offenders who have the opportunity to keep a conviction from being permanently entered on their record. The defendant must complete an intake interview with the program coordinator, meet with and be approved by a panel of citizens from the community, and if accepted, complete the requirements placed upon them by the State's Attorney's Office. The requirements may include completing community service hours, obtaining a high school diploma or G.E.D., completing counseling, writing a letter of apology to the victim, paying restitution to the victim, and paying fees to the First Offender Program. Upon successful completion of the First Offender Program, the State's Attorney's Office agrees to dismiss the pending charge(s) against the defendant. If the defendant fails to successfully complete the First Offender Program, the defendant will be terminated from the program and the case will be returned to court for prosecution.

First Offender Program Application Process

REFERRAL

A referral can be made by the Judge, State's Attorney, Public Defender, private attorney, or a police department. The application for the First Offender Program must be submitted within sixty days of the defendant's first appearance in court.

After applying for the program, the defendant will motion the court for a continuance. The defendant will be instructed to bring a copy of the court order to the State's Attorney's Office to arrange an intake interview with the coordinator.

INTAKE & FEE

The coordinator will explain the program and all of the necessary forms to the defendant. The application fee is \$25.00 and must be paid at the initial interview and a standard program fee of \$750.00 is to be paid the date of acceptance. Restitution payments will be required, if applicable.

PRESENTATION TO THE CITIZEN'S PANEL

At the conclusion of the intake interview, the coordinator will schedule a date for the defendant to appear before the First Offender Citizens' Panel. The defendant will have to explain the offense(s) he or she is charged with and accept responsibility for his or her actions. The panel will then make a recommendation to the State's Attorney about the defendant's acceptance into the program.

PRESENTATION TO STATE'S ATTORNEY

After the panel has voted, the file will be presented to the State's Attorney. The State's Attorney will approve or reject the recommendation of the panel.

ACCEPTED

If the defendant is accepted into the First Offender Program, he or she will sign an agreement on his or her next court date. The defendant will also be required to provide a written statement admitting to the elements of the charge(s) and his or her involvement.

REJECTION

If the defendant is not accepted into the First Offender Program, he or she will be notified by the coordinator. There are no appeal hearings for rejection.

TERMINATION SATISFACTORY

Upon successful completion of all the requirements, the case will be dismissed at the final court date.

UNSATISFACTORY

If the terms of the First Offender Program Agreement are not completed, or the defendant commits a new offense, the Coordinator may recommend to the court that the defendant be terminated from the First Offender Program.

First Offender

Program Guidelines:

An applicant is generally not eligible for the First Offender Program if any of the following apply:

1. Applicant had a prior adult felony arrest.
2. Applicant is currently on probation/supervision/conditional discharge for misdemeanor or felony charges (juvenile or adult).
3. Applicant is an active gang member.
4. Applicant is charged with violent, domestic or sex offenses.
5. Applicant is charged with Class (X), (S),(1) or non-probationable offenses.
6. Applicant is charged with drug or alcohol related offenses.
7. Applicant is charged with using a weapon.
8. Applicant committed the offense while out on bond.
9. Applicant is charged with Identity Theft.
10. Applicant is charged with a traffic offense.
11. Applicant is charged with committing a crime against an elderly victim.

McHenry County State's Attorney's Office
2200 N. Seminary Avenue
Suite 150
Woodstock, IL 60098
Tel: (815)334-4159
Fax: (815)337-0872

Susan Van Diggelen
Program Coordinator
(815)334-4824

First Offender Program



Louis A. Bianchi

**McHenry County
State's Attorney**